1908-039 Chancery Cause: James Willis vs. Perdie Willis
Lee Co.

Gilly. Day

CA-Divorce
T. Vices

JAMES WILLIS

vs.

PERDIE WILLIS.

To the Hon. H. A. W. Skeen, judge of the Circuit Court for Lee County, Virginia.

Your complainant, James Willis, humbly complaining, respectfully represents:

(1). That on the _____ day of _____, 19 , your complainant was lawfully married at Pennington Gap, in the county of Lee _____, to Perdie Willis, whose maiden name was Perdie Gilly _____; and,

(2) That continuously from the date of said marriage until the _____ day of May, 1907 , your complainant and the said Perdie willis lived together as husband and wife at Pennington Gap Va _____; and,

(3) That the said Perdie Willis has , since the aforesaid marriage, committed acts of adultery as follows: In the summer and fall of 1907 with Emmett Day at or in the Day Blacksmith Shop in Pennington Gap, and with the said Day and other & to your complainant unknown at the Pool Room at Pennington Gap and at other times and places unknown to your complainant

(4) That on the _____ day of May, 1907 , your complainant heard for the first time of the committing of said acts of adultery by his said wife; that he has not cohabited with her since obtaining knowledge of the fact of said acts of adultery; and that upon obtaining said knowledge he left his said wife and since

that time has not lived with her; and,

(5) That at the time of the institution of this suit it not been five years sinec the said acts of adultery occurred, and that it was not committed by the procurement or connivance of your complainant; and,

(6) That both your complainant and the said perdie Willis have resided, and have been domiciled , in this state ever since the aforesaid marriage, and for more than one year next preceeding the commencement of this suit, and are now domiciled in this state; and

(7) That your complainant last cohab ited with the said Perdie Willis at _____, in the county of Lee, ~~XXXXX~~ in the State of

In consideration whereof, and forasmuch as your complainant is remidiless in th e premises save in a court of equity, your compainant prays that the said Perdie willis may be made a party defendant to this bill and required, but not on oath, to answer the same, the oath being hereby waived; that a divorce from the bond of matrimony which was creatde by the aforesaid marriage be decreed him; and that your complainant may have all such further relief, and other, and general relief in the premises as the nature of~~XXXXX~~ his case may require, or to equity seem meet.

And your complainant will ever pray, etc.

W.R. Hopkins p. q.

James Willis

James Willis
vs. } bill
Perdie Willis

1908 2nd April Rules
Bill filed, Spa.
executed
" 1st May Rules
Cause set for
hearing.

James Willis,
vs. } decree
Perdie Willis

This cause came on this day to be heard upon the bill, the exhibits filed therewith and the deposition of witnesses, on consideration whereof, the court being of the opinion that the charge of adultery against the defendant is fully proved, doth adjudge, order and decree that the marriage heretofore solemnized between James Willis and Perdie Willis, be, and the same is hereby dissolved, the said James Willis forever divorced from his wife, the said Perdie Willis. And the cause is ordered to be stricken from the docket.

James Willis
vs
Birdie Willis

Entered in C.O.B.
#8, page 372

Enter this
May 5th 1908
J. A. Lewis

The Depositions of Emmett Day and others, taken before me at the Law office of E.W.Pennington, on the 2d. day of May, 1908, pursuant to the notice hereto appended, to be read as evidence on behalf of James Willis upon the trial of a certain cause now pending in the Circuit Court of Lee County, in which James Willis is Plaintiff and Perdie Willis is Defendant.

Present, W.K.Hopkins, Counsel for Plaintiff,

Harve Day, a witness of lawful age, being duly sworn, deposes as follows:-

Q. 1. Give your name, age, and place of residence.

A. Harve Day. I am 27 years old. My place of residence is Pennington Gap, Lee County, Va.

Q. 2. Are you acquainted with James Willis, the plaintiff in this suit, and Perdie Willis, the defendant? If so, how long have you been acquainted with Perdie Willis?

A. Yes. I am aquainted with them both. I became aquainted with Perdie about a year ago.

Q. 3. Do you know of your own knowledge whether or not this defendant has been guilty of adultery since her marriage with the plaintiff?

A. Yes, I know of my own knowledge that she has been guilty of adultery since her marriage with the defendant. plaintiff

Q. 4. Please state whether or not you have seen her in company with men other than her husband after night and at various times in the town of Pennington Gap.

A. yes. I saw her riding at the merry-go-round with other men. I saw her leave the merry-go-round late one night with a man.

Q. 5. Do you know whether or not James Willis, the plaintiff, has been a citizen of this state for twelve months or more?

A. Yes, sir. He has been here in Lee County ever since I have known him and I have known him for about three years.

Q.6. Where does perdie willis, the defendant, now live?

A. She lives with her grand-father, M. R. Gilley, about a mile from Pennington Gap.

Q. 7. How long has it been since the plaintiff and defendant have lived togetherv as man and wife?

A. It has been more than a year.

And further this deponent sayeth not.

Clarve Day.

Emmet Day, a witness of lawful age, being duly sworn, deposes as follows:

Q.1. How old are you Emmet?

A. 23 years old.

Q. 2. Where do you live?

A. At pennington Gap, Lee Co., Va.

Q. 3. How long have you known James Willis and perdie willis?

A. I have known Jim three or four years, and his wife two or three.

Q. 4. Are jim and his wife living together now?

A. Not unless they have gone together in the last few days.

Q. 5. Where did you get acquainted with perdie,his wife?

A. I first met her at Barker's merry-go-round, in Pennington ; about a year ago.

Q. 6. Do you know whether or not, of your own knowledge, ~~whether~~ the said perdie has been guilty of adultery since her marriage with the plaintiff? If you say that she has, please state when and where, as near as you can.

A. Yes, I do. I saw her with other men last summer while the merry-go-round was at pennington. I saw her commit adultery one night last summer under my father's blacksmith shop in pennington. On another night last summer I took her to the pool room in Pennington and me and another fellow kept her there all night.

Q. 8. please state whether or not , to your knowledge this adulterous conduct was brought about by the plaintiff.

a. No, sir. It was not.

And further this deponent sayeth not.

Emmet Day.....

County of Lee,

State of Va., to-wit:

I, R. E. L. Chumbley, a commissioner in Chancery for the Circuit Court of Lee County, Va., do hereby certify that the above depositions were duly taken, reduced to writing, and signed, at the times and places stated therein.

Given under my hand this 2nd day of May, 1908.

R.E.L. Chumbley, commissioner in Chancery

Costs:-
Commissioner's services for one hour — $.75
Pd. by W. K. Hopkins.

James Willis
v. Depositions
Perdie Willis

Received by mail
& filed May 4, 1908.
W. C. T. Ewing.
Clerk.

Hurst's Standard Forms, Annotated. | No. 34.

Notice to take Depositions.

Hurst & Company Pulaski City, Va

[Code §§3359-68; 4 Min Inst. (2ed.), 745 & seq.; 2 Dart Chy. Prac. (2ed.), p 783 & seq.; Hurst's Guide & Manual, p. 16 & seq.

To Perdie ~~Betty~~ Willis

Take notice, that I shall, on the 2d day of May, 1908, at the Law office of Ell Pennington, in Pennington Gap, Va., between the hours of ~~10~~ 8, A. M., and 4, P. M., on that day, proceed to take the depositions of Emmett Day and others, to be read in the evidence in my behalf, in a certain suit in equity depending in the Circuit court for the county of Lee wherein you are Defendant and I am Plaintiff:

and, if, from any cause, the taking of the said depositions be not commenced on that day, or, if commenced, be not conclued on that day, the taken of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Respectfully yours,

James Willis

[When parties live within a convenient distance, five days' notice usually given, is although less may suffice. In other cases, ten to fifteen days will not be to much—4 Min. Inst. (2nd ed.), 1647.]

Notice

James Willis
vs.
Perdie Willis

Executed at 11:30 a.m.
This May 2d 1908 fee $2
by W. R. Hopins for Sheriff
Service - G. V. Sage D.S.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Perdie Willis

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 3rd Monday in April, 1906, to answer a bill in chancery exhibited against her by James Willis

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 8th day of April, 1908, and 132nd year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

James Willis

VS | SUBPŒNA IN CHANCERY

Perdie Willis

W. K. Hopkins p. q.

To 2nd April Rules

Circuit Court

1908

Executed by serving a copy of the within on Perdie Willis this April 11 1908
W. J. Tucker S. D. C.